

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

KIMBERLY ANN PAYNE,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-22-790-D
)	
KILOLO KIJAKAZI, ACTING)	
COMMISSIONER OF SOCIAL)	
SECURITY ADMINISTRATION,)	
)	
Defendant.)	

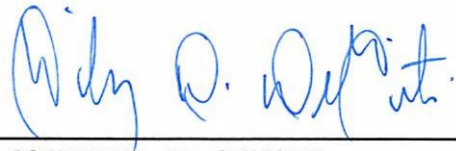
ORDER

Plaintiff Kimberly Ann Payne brought this action for judicial review of the Commissioner of Social Security’s final decision that she was not “disabled” under the Social Security Act. *See* 42 U.S.C. §§ 405(g), 423(d)(1)(A). This matter is before the Court for review of the Report and Recommendation issued by United States Magistrate Judge Suzanne Mitchell pursuant to 28 U.S.C. § 636(b)(1)(B) and (C). Judge Mitchell finds that the Commissioner’s decision denying Plaintiff’s application for disability insurance benefits should be reversed pursuant to 42 U.S.C. § 405(g), and the matter should be remanded for further administrative proceedings. Specifically, Judge Mitchell finds that the administrative law judge did not adequately consider the treatment history and residual functional capacity assessment provided by PA-C Jere D. Claunch.

No party has filed a timely objection nor requested additional time to object. Upon consideration, the Court finds that the parties have waived further judicial review.¹

IT IS THEREFORE ORDERED that the Report and Recommendation [Doc. No. 20] is **ADOPTED** in its entirety. The Commissioner's decision is reversed, and the case is remanded for further proceedings consistent with the Report and Recommendation. A separate judgment and order of remand shall be entered.

IT IS SO ORDERED this 21st day of July, 2023.



TIMOTHY D. DeGIUSTI
Chief United States District Judge

¹ See *Moore v. United States*, 950 F.2d 656 (10th Cir. 1991); see also *United States v. 2121 E. 30th St.*, 73 F.3d 1057, 1060 (10th Cir. 1996).